

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF TEXAS  
DIVISION

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

JAN 27 2005

John Art Gary  
Plaintiff's name and ID Number

Dallas County Jail  
Place of Confinement

3-05 CV 0202M  
CASE NO.

(Clerk will assign the number)

v.

Darren Perry 1415 E. Illinois Dallas TX 75216 McDonalds  
Defendant's name and address  
Clarence Gray (Johnson) Cusine 1415 E. Illinois Dallas TX 75216 McDonalds  
Randall Gray 1415 E. Illinois Dallas TX 75216 McDonalds  
Defendant's name and address  
Sundra Hixes 1415 E. Illinois Dallas TX 75216 McDonalds  
Bruce Jones 1415 E. Illinois Dallas Tx. 75216 McDonalds  
Defendant's name and address  
( DO NOT USE "ET AL.")

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INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

P.S. Please acknowledge that plaintiff has no access to a copier and no carbon paper and accept stamp date and return a copy

**FILING FEE AND IN FORMA PAUPERIS**

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$150.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$150 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? \_\_\_\_\_ YES  NO \_\_\_\_\_
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: N/A
2. Parties to previous lawsuit:  
Plaintiff(s) N/A  
Defendant(s) N/A
3. Court: (If federal, name the district; if state, name the county.) N/A
4. Docket Number: N/A
5. Name of judge to whom case was assigned: N/A
6. Disposition: (Was the case dismissed, appealed, still pending?)  
N/A
7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: Dallas County Jail

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Darren Perry Owner John Art Gary  
04072895 W3 mw 10 500 commerce st.  
DALLAS TX. 75202

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Darren Perry Owner of McDonalds  
1415 E. Illinois Dallas TX 75216, Failed to Train Subordinates

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Liable for Employees violating McDonalds policy - Shooting plaintiff

Defendant #2: Bruce Jones - Shot defendant while in McDonalds uniform  
Store manager - Covering up Homicide - destroying Evidence Surveillance tape

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Plaintiff was shot from behind - in cold blood 3 blocks away from McDonalds

Defendant #3: Randall Gray McDonalds Employee

violating McDonalds policy - Chase out of store Accessory to Aggravated

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Assault with deadly weapon - shot plaintiff - Help cover up - lied to police

Defendant #4: Sondra Hicks McDonalds store Manager - Failed to train Subordinates

Help destroy Evidence - surveillance tape - lied to police

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Help protect person who shot plaintiff

Defendant #5: Clarence Gray Johnson McDonalds Employee

Chased plaintiff in McDonalds uniform Accessory to Aggravated ASSAULT

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

shot plaintiff from behind in cold blood,

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Plaintiff did Enter McDonalds on Oct. 4 2004, went behind the counter, and did ask Takoria Hamilton at drive thru, (at front where there was no money) to open the cash register. Plaintiff did know after she turned around, put his hand over his forehead, feeling very sorry for what he had just did, due to drugs. So he changed his mind, fled with no money, no contact with anyone. Randal Gray did chase plaintiff two blocks away. Steven Shaw did see Bruce Jones shoot plaintiff, ordering him to get out of harms way. Also Shenequa Taylor saw both Randal Gray and Bruce Jones, or Clarence Gray walking back toward McDonalds after Plaintiff was shot in the right leg, from behind, unarmed posing no threat. Then Sandra Hicks, Bruce Jones, Darren Perry, and Reince Perry All conspired to destroy Evidence (The Surveillance) And Give False statements to Police

## VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

200.000 Dollars punitive Damages, Give complete accurate statements, to police  
200.000 Dollars Compensatory, , pay the state back for all medical bills, And posttraumatic  
200.000 Irreparable damages

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Benny Cooper , John Art Gary

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

Dont remember Exactly 529212

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?  YES  NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case Number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied?  YES  NO

- C. Has any court ever warned or notified you that sanctions could be imposed?  YES  NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case Number: N/A
3. Approximate date warnings were imposed: N/A

Executed on: 1-20 -2005  
DATE

John Art Gary  
John Art Gary  
(Signature of plaintiff)

#### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this \_\_\_\_\_ day of JANUARY, 2005.  
(Day) (month) (year)

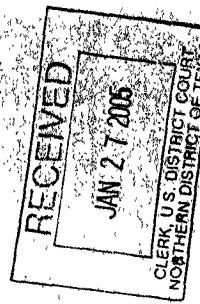
John Art Gary  
(Signature of plaintiff)

**WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.**



FIRST CLASS

Berry  
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500 Commerce St.  
Dallas, Texas, 75202



United States District Court  
Office of the Clerk  
1100 Commerce St., Room 1152  
Dallas, Texas 75242-1495

Legal mail  
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